

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

WILLIAM J.R. EMBREY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 14-3116-CV-S-ODS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER DISMISSING MOTION FOR POSTCONVICTION RELIEF

Movant seeks relief pursuant to 28 U.S.C. § 2255 for his conviction for being a felon in possession of a firearm. This is far from Movant's first motion for postconviction relief, and as with many of his prior such motions this one alleges his conviction violated the Second Amendment. However, as this is clearly a second or successive motion seeking relief under section 2255, the motion is dismissed. See 28 U.S.C. § 2244(b)(3)(A). Moreover, the Court notes Movant's claim that the Supreme Court invalidated statutes prohibiting felons from possessing firearms lacks merit. District of Columbia v. Heller, 554 U.S. 570, 626 (2008) ("nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons . . .").

Movant's request for postconviction relief is dismissed without prejudice to his right to seek permission to file his motion from the Court of Appeals.

IT IS SO ORDERED.

DATE: March 20, 2014

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT